



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENEGGER, GOVERNOR

ACTION ITEMS – July 2004 BOARD MEETING

The board packet materials for this meeting are available on the board's Web site.

ORGANIZATIONAL DEVELOPMENT COMMITTEE

The board:

- Welcomed new members to this committee: John Tilley (Chair) and Board President Stan Goldenberg as member.
- Agreed as requested by the Board President to hold a public meeting to discuss methods to improve board communications with the licensees and stakeholders.
- Modified the environment scan of the board's strategic plan for 2004/05, to include issues arising from consumers purchasing drugs from foreign countries.
- Adopted voting parameters for public meetings and mail votes that specify that a quorum of the board (7 members) must be present to take an action and a motion passes if a majority of those voting votes for the measure. Abstentions count as votes for purposes of establishing a quorum, but do not count as votes for or against the measure. Abstentions mean that the abstaining board member will go along with the majority decision of the board. It is also the President's decision whether to vote or not vote on any matter before the board.
- Reported on its 2003/04 and 2004/05 budget. The board's proposed budget for 2004/05 contains no new spending proposals and as such, the board will continue to operate in the same manner, and with the same resources as this year. (This includes a 12 percent, or \$411,000, cut in Personnel Services, which is linked to the loss of six positions, cuts to board member compensation, overtime, and operations.) The Governor's Office and the Department of Finance have stated in recent budget instructions that there will be "no discretionary funds available from any source for new initiatives or program expansion." As such, any new legislative mandates or program modifications must be funded within existing resources. It was also reported that the AG's hourly rates for legal services increased April 1st, and will increase again July 1. These additional fees will have to be absorbed this year; however, the department may be developing a budget change proposal to augment all agencies' budgets to cover the increase for next year, which may or may not be approved.
- Approved the minutes of the April 21, 2004 Board Meeting.

COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

The board:

- Welcomed new members to the committee: Andrea Zinder (Chair), Richard Benson, William Powers and Kenneth Schell.
- Agreed to participate on the California Health Communication Partnership as a founding member. This group will develop and promote consumer health education activities developed by the member organizations in an integrated fashion.
- Endorsed the California Tobacco Control Alliance's "Smoking Cessation Benefits Everyone" campaign.

- Reported that the March 2004 edition of *The Script* was been distributed to all California pharmacies by the board and in June the California Pharmacists Association Pharmacy Foundation mailed the issue to California pharmacists.
- Reported that staff is working on publishing a new *Health Notes on Pain Management*. This new issue will contain new pain management therapies and the new prescribing and dispensing requirements for controlled drugs enacted by SB 151 (Burton, Chapter 406), which will take place in 2004 through 2005 in sequential stages. The goal is to have this publication available for distribution in September 2004, or shortly thereafter.
- Reported that the board will set up a scribe list on the board's Web site that would send e-mails to interested parties announcing when the board's Web site has been updated. The interested parties would subscribe themselves to the Web site and be responsible for keeping their e-mail addresses current. The board will advise subscribers that their e-mail addresses are public information.

ENFORCEMENT COMMITTEE

The board:

- Welcomed new members to the committee: William Powers (Chair), Stan Goldenberg, and Dave Fong.
- Supported a statutory change to Business and Professions Code section 4115(f) that would allow for another verification process of a technician-prepared medication other than a signature on the prescription label as approved by board regulation.
- Discussed the public disclosure policy of citations and reviewed an accompanying statement that a citation is not considered discipline of a license, payment of any fine assessed does not constitute an admission of the violation charged and is a satisfactory resolution of the matter.
- Was advised by the Medical Board of California that starting July 1, 2004, a physician with a retired license will no longer be eligible to practice medicine, which includes prescribing.
- Reported on the implementation of SB 151 (Burton, Chapter 406). This bill repeals the triplicate prescription requirement for Schedule II controlled substance prescriptions and replaces it with a tamper-resistant prescription form that may be obtained from approved printers. Eleven printers have been approved. A list of questions and answers on changes in the law reviewed and will be added to the board's Web site.

LICENSING COMMITTEE

The board:

- Welcomed new members to the committee: Ruth Conroy (Chair), Richard Benson, and Clarence Hiura.
- Agreed to amend the continuing education statute and regulations as requested by the CPhA Pharmacy Foundation. The amendment to the statute will be pursued in next year's legislative omnibus bill.
- Reported that implementation of NAPLEX and the California Pharmacist Jurisprudence Examination (CPJE) has been completed with the recent licensure of 248 pharmacists. Over 2,000 applicants have been approved to take the examination and reported that about 700 applicants have taken the CPJE. Information on the examination process and the application forms are available on the board's Web site.
- Provided the June 9th meeting summary for the Workgroup on Compounding.
- Reported that the Medical Board of California approved the statewide protocol for pharmacists to furnish emergency contraception. The protocol is available on the board's Web site.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Welcomed new members to the committee: John Jones (Chair), Ken Schell, and James Acevedo.
- Adopted final language to implement new regulation CCR, title 16, sec. 1746 that will codify the statewide protocol for pharmacists to furnish emergency contraception. The board will compile the rulemaking file for submission to the Administration and the Office of Administrative Law (OAL) for approval.
- Adopted changes to the final language to amend, CCR, title 16, sec. 1751 et seq. that will remove the building standards from the requirements for compounding sterile injectable drugs. The board will resubmit the rulemaking file to OAL.
- Reported that the following rulemaking files have been submitted to the Administration for approval. Once approved, the files will then be submitted to OAL. The regulations are:
 1. CCR, title 16, sec. 1709.1 – Pharmacist-in-Charge at Two Locations
 2. CCR, title 16, sec. 1710 - Hospital Central Fill
 3. CCR, title 16, sec. 1711 - Notification of a Prescription Error
 4. CCR, title 16, sec. 1717.1 - Common Electronic Files
 5. CCR, title 16, sec. 1717.4 – Authentication of Electronic Prescriptions
 6. CCR, title 16, sec. 1720 – Pharmacist License Process
 7. CCR, title 16, sec. 1721 – Pharmacist Exam
 8. CCR, title 16, sec. 1723.1 – Confidentiality of Exam Questions
 9. CCR, title 16, sec. 1724 – Passing Score
 10. CCR, title 16, sec. 1749 and 1793 et seq. – Pharmacy Technicians
 11. CCR, title 16, sec. 1793.3 – Non-Licensed Person Ratio (Clerk-typist)
- Changed its position on AB 1960 (Pavley) from “opposed unless amended” to “no position.”
- Took an oppose position on AB 1957 (Frommer) and SB 1149 (Ortiz).
- Changed its position on AB 746 (Matthews) from support to no position.